



BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XE230

Atlantic Coastal Fisheries Cooperative Management Act Provisions; Horseshoe Crabs; Application for Exempted Fishing Permit, 2015

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of a proposal to conduct exempted fishing; request for comments.

SUMMARY: The Director, Office of Sustainable Fisheries, has made a preliminary determination that the subject exempted fishing permit (EFP) application submitted by Limuli Laboratories of Cape May Court House, NJ, contains all the required information and warrants further consideration. The proposed EFP would allow the harvest of up to 10,000 horseshoe crabs from the Carl N. Shuster Jr. Horseshoe Crab Reserve (Reserve) for biomedical purposes and require, as a condition of the EFP, the collection of data related to the status of horseshoe crabs within the reserve. The Director has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Atlantic States Marine Fisheries Commission's (Commission) Horseshoe Crab Interstate Fisheries Management Plan (FMP). However, further review and consultation may be necessary before a final

determination is made to issue the EFP. Therefore, NMFS announces that the Director, Office of Sustainable Fisheries, proposes to recommend that an EFP be issued that would allow up to two commercial fishing vessels to conduct fishing operations that are otherwise restricted by the regulations promulgated under the Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act). The EFP would allow for an exemption from the Reserve.

Regulations under the Atlantic Coastal Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Written comments on this action must be received on or before [*insert date 10 days after date of publication in the FEDERAL REGISTER*].

ADDRESSES: Written comments should be sent to Alan Risenhoover, Director, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910. Mark the outside of the envelope "Comments on Horseshoe Crab EFP Proposal." Comments may also be sent via fax to (301) 713-0596. Comments on this notice may also be submitted by e-mail to: nmfs.state-federal@noaa.gov. Include in the subject line of the e-mail comment the following document identifier: "Horseshoe Crab EFP Proposal Comments."

FOR FURTHER INFORMATION CONTACT: Derek Orner, Office of Sustainable Fisheries, (301) 427-8567.

SUPPLEMENTARY INFORMATION:

Background

Limuli Laboratories submitted an application for an EFP dated January 31, 2014, to collect up to 10,000 horseshoe crabs for biomedical and data collection purposes from the Reserve. The applicant has applied for, and received, a similar EFP every year from 2001-2013. The current EFP application specifies that: (1) the same methods would be used that were used in years 2001-2013, (2) at least 15 percent of the bled horseshoe crabs would be tagged, and (3) there had not been any sighting or capture of marine mammals or endangered species in the trawling nets of fishing vessels engaged in the collection of horseshoe crabs since 1993. The project submitted by Limuli Laboratories would provide morphological data on horseshoe crab catch, would tag a portion of the caught horseshoe crabs, and would use the blood from the caught horseshoe crabs to manufacture Limulus Amebocyte Lysate (LAL), an important health and safety product used for the detection of endotoxins. The LAL assay is used by medical professionals, drug companies, and pharmacies to detect endotoxins in intravenous pharmaceuticals and medical devices that come into contact with human blood or spinal fluid.

Result of 2013 EFP

During the 2013 season, a total of 3,500 horseshoe crabs were gathered over a period of ten days, from the Reserve for the manufacture of LAL. After transportation to the laboratory, the horseshoe crabs were inspected for size, injuries, and responsiveness. The injured horseshoe crabs numbered 272, or 7.8% of the total, while 36, or 1.0%, were noted as slow moving. In addition, three horseshoe crabs were rejected due to small size. Overall, 3,189 horseshoe crabs were used (bled) in the manufacture of LAL. Two hundred of the bled horseshoe crabs were randomly selected for activity, morphometric and aging studies. The activity level was categorized as “active” for 192

studied animals and “extremely active” for eight. Morphometric studies noted that average inter-ocular distances, the prosoma widths and the weights of these 200 horseshoe crabs trended toward the higher end of the range established over the study period (2001 – 2011). Of the 200 horseshoe crabs examined in 2013, more than half (57%) were categorized as medium aged followed by young (37%). Older animals numbered 10 or 5% which is much less than the percentages reported in 2010 and 2011 and similar to the 2007 year.

The 200 studied horseshoe crabs and 325 additional bled horseshoe crabs were tagged and released into the Delaware Bay. To date, 116 live re-sightings have occurred from the release of 5,463 horseshoe crabs collected from the Reserve. The observed horseshoe crabs were found 1 to 8 years after release, primarily along the Delaware Bay shores during their spawning season.

Data collected under previous EFPs were supplied to NMFS, the Commission and the State of New Jersey. There was no EFP issued for 2014.

Proposed 2015 EFP

Limuli Laboratories proposes to conduct an exempted fishery operation in 2015 using the same means, methods, and seasons proposed/utilized during the EFPs in 2001-2013. Limuli proposes to annually continue to tag at least 15 percent of the bled horseshoe crabs as they did in 2013. NMFS would require that the following terms and conditions be met for issuance of the EFP for 2015:

1. Limiting the number of horseshoe crabs collected in the Reserve to no more than 500 crabs per day and to a total of no more than 10,000 crabs per year;

2. Requiring collections to take place over a total of approximately 20 days during the months of July, August, September, October, and November. (Horseshoe crabs are readily available in harvestable concentrations nearshore earlier in the year, and offshore in the Reserve from July through November.);

3. Requiring that a 5 ½ inch (14.0 cm) flounder net be used by the vessel to collect the horseshoe crabs. This condition would allow for continuation of traditional harvest gear and adds to the consistency in the way horseshoe crabs are harvested for data collection;

4. Limiting trawl tow times to 30 minutes as a conservation measure to protect sea turtles, which are expected to be migrating through the area during the collection period, and are vulnerable to bottom trawling;

5. Requiring that the collected horseshoe crabs be picked up from the fishing vessels at docks in the Cape May Area and transported to local laboratories, bled for LAL, and released alive the following morning into the Lower Delaware Bay; and

6. Requiring that any turtle take be reported to NMFS, Northeast Region, Assistant Regional Administrator of Protected Resources Division, within 24 hours of returning from the trip in which the incidental take occurred.

As part of the terms and conditions of the EFP, for all horseshoe crabs bled for LAL, NMFS would require that the EFP holder provide data annually on sex ratio and daily harvest. Also, the EFP holder would be required to examine at least 200 horseshoe crabs annually for morphometric data. Terms and conditions may be added or amended prior to the issuance of the EFP or on an annual basis.

The proposed EFP would exempt two commercial vessels from regulations at 50

CFR 697.7(e) and 697.23(f), which prohibit the harvest and possession of horseshoe crabs from the Reserve on a vessel with a trawl or dredge gear aboard.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 2, 2015.

Emily H. Menashes,
Acting Director,
Office of Sustainable Fisheries,
National Marine Fisheries Service.

[FR Doc. 2015-25540 Filed: 10/6/2015 08:45 am; Publication Date: 10/7/2015]